

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his
capacity as court-appointed Chapter 11
Trustee for LLS America, LLC,

Plaintiff,

v.

3105393 MANITOBA, LTD.,

Defendant.

NO: CV-12-439-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80167-PCW11

DEFAULT JUDGMENT

THIS COURT, having previously entered an Order of Default against
Defendant 3105393 Manitoba, Ltd., ECF No. 15, and having reviewed the
previously filed Memorandum of Authorities, ECF No. 12, and the Affidavits of

1 Curtis Frye and Daniel J. Gibbons in Support of Plaintiff's Motion to Default
2 Judgment filed herewith, and being fully advised in the premises,

3 **IT IS HERBY ORDERED, ADJUDGED, AND DECREED** that the
4 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
5 Trustee for LLS America, LLC, shall have a judgment against Defendant 3105393
6 Manitoba, Ltd., as follows:

7 1. Monetary Judgment in the amount of CAD \$169,658.51 pursuant to 11
8 U.S.C. §§ 550 and RCW 19.40.071;

9 2. Transfers in the amount of CAD \$91,946.83 made to Defendant within
10 four years prior to the Petition Filing Date are hereby avoided and Plaintiff may
11 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550
12 and 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and 19.40.071;

13 3. Transfers in the amount of CAD \$77,711.68 made to Defendant more
14 than four years prior to the Petition Filing Date are here avoided and Plaintiff may
15 take all necessary action to preserve the same, pursuant to 11 U.S.C. §§ 544, 550
16 and 551, and RCW 19.40.041(1) and 19.40.071;

17 4.. All said transfers to Defendant 3105393 Manitoba, Ltd. are hereby set
18 aside and Plaintiff shall be entitled to recover the same, or the value thereof, from
19 Defendant 3105393 Manitoba, Ltd. for the benefit of the estate of LLS America,
20 pursuant to 11 U.S.C. §§ 544, 550 and 551;

5. Defendant 3105393 Manitoba, Ltd. did not file a proof of claim in Debtor's bankruptcy proceedings.

6. A constructive trust is hereby established over the proceeds of all transfers in favor of the Trustee for the benefit of the estate of LLS America; and

7. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00 USD, for a total judgment of CAD \$169,658.51, plus \$250 USD, which shall bear interest equal to the weekly average of one-year constant maturity (nominal) treasury yield as published by the Federal Reserve System.

The District Court Clerk is directed to enter this Order, enter judgment as outlined above, and provide copies to counsel.

DATED this 7th day of December 2012.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge